

STATE OF SOUTH DAKOTA

)
:SS

IN CIRCUIT COURT

COUNTY OF DAVISON)

FIRST JUDICIAL CIRCUIT

MARK STRAND)

Plaintiff,

) CIV. 11-

vs.

) SUMMONS

AMERICAN GENERAL LIFE)

INSURANCE COMPANIES)

Defendant.)

Copy

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to serve upon the undersigned, the Plaintiff's Attorney, whose address is P. O. Box 396, Mitchell, South Dakota 57301, an Answer to the Complaint which is herewith served upon you, within thirty (30) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, Judgment by Default will be taken against you for the relief demanded in the Complaint.

Dated at Mitchell, South Dakota, this 8th day of August, 2011.


Chris A. Nipe
Attorney for Plaintiff
200 E. 5th, PO Box 396
Mitchell, SD 57301
(605) 996-6546
Fax: (605) 996-6548

EXHIBIT A

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
	:SS	
COUNTY OF DAVISON)	FIRST JUDICIAL CIRCUIT
*****	*****	*****
MARK STRAND)	
Plaintiff,)	CIV. 11-
vs.)	
)	COMPLAINT
AMERICAN GENERAL LIFE)	
INSURANCE COMPANIES)	
Defendant.)	
*****	*****	*****

COMES NOW the Plaintiff and for his cause of action against the Defendant, states and alleges as follows:

COUNT ONE

- (1) That Janis J. Kinyon was insured by the defendant for life insurance under policy number MM0318858;
- (2) Defendant is a corporation selling insurance in the State of South Dakota.
- (3) That the aforementioned policy had lapsed due to nonpayment of premiums, and Janis J. Kinyon or her representatives had inquired of the company in June of 2007 what would be necessary to reinstate the policy; on June 21, 2007, Janis J. Kinyon received a letter from the defendant enclosing an application for reinstatement of the policy, and requesting the sum of \$7,872.00 to pay the contract to March 25, 2008;
- (4) In July of 2007 Janis J. Kinyon did complete the application for reinstatement of the policy and sent a check for the requested sum to pay the policy through March 25, 2008;
- (5) Thereafter, Janis J. Kinyon received no further communication from the defendant, that her application for reinstatement was not denied, and the check was cashed by the defendant and was not returned;
- (6) Janis J. Kinyon thereafter passed away on November, 25, 2007, and a claim was made against the policy;
- (7) After the claim was made, the defendant apparently tried to refund the premium paid in July of 2007; the defendant apparently maintains that the refund check was issued in January of 2008, and then again in February of 2008, due to a claimed error in the address;
- (8) The plaintiff maintains that there was an insurance contract with the

defendant insuring the life of Janis J. Kinyon in effect at the time of her death; he is an interested party and a beneficiary of such insurance contract, to the best of his knowledge, information and belief;

- (9) The defendant has failed and refused to pay according to the terms of the life insurance contract between Janis J. Kinyon and the defendant.

WHEREFORE, Plaintiff prays for judgment as follows:

- (1) For a judgment against the defendant for his proportionate share of the life insurance policy on the life of Janis J. Kinyon in an amount to be determined by the jury;
- (2) For prejudgment interest on all amounts determined to be owed by the defendant as allowed by law;
- (3) For the plaintiff's reasonable attorney's fees and costs in pursuing his claim;
- (4) For such other and further relief as the Court may deem just and equitable.

Dated this 8th day of August, 2011.



Chris A. Nipe
Attorney for Plaintiff
P. O. Box 396, 200 E. 5th
Mitchell, SD 57301
(605) 996-6546
FAX: (605)996-6548
cnipe@mitchelltelecom.net

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this matter on all issues triable to a jury.

Dated this 8th day of August, 2011.



Chris A. Nipe
Attorney for Plaintiff
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Mitchell, SD 57301
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FAX: (605)996-6548
cnipe@mitchelltelecom.net



AUG 16 2011

445 East Capitol Avenue
Pierre, South Dakota 57501-3185
Phone: 605-773-3563
Fax: 605-773-5369

August 10, 2011

Compliance Department
American General Life Ins. Co.
2727 Allen Parkway, Suite 2-G7
Houston, TX 77019

Re: Our File # 11-SC-0078
Mark Strand vs. American General Life Insurance Company

Pursuant to SDCL 58-6-39, we are enclosing a copy of a Summons and Complaint, a complaint in the above-entitled action in which your company is a party. Service was admitted on the 10th day of August, 2011, at 9:00 a.m.

Should the matter be resolved through a settlement agreement, the Division requests that the settlement agreement not contain a confidentiality agreement that would preclude our obtaining information pertinent to the suit, so as to avoid conflict with the Division's broad statutory mandate allowing us to obtain any information we ask from licensees.

Please contact Eva Briggs at (605)773-4104 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Merle Scheiber".

Merle Scheiber, Director
S.D. Division of Insurance